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EXAMINER

LAO, SUE X

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 43

Application Number: 08/813,714
Filing Date: 3/7/1997
Appellant(s): David M. Siefert

George H. Gates

For Appellant

EXAMINER'S ANSWER

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This is in response to appellant's brief on appeal filed 1/10/2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

No related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal are identified in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct except that the rejection of claim 15 under the judicially created doctrine of obviousness - type double patenting over claim 1 of U.S. Patent No. 5,699,526 in view of Pisello et al and Miller et al has been withdrawn.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

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The appellant's statement of the issues in the brief is correct except that the rejection of claim 15 under the judicially created doctrine of obviousness - type double patenting over claim 1 of U.S. Patent No. 5,699,526 in view of Pisello et al and Miller et al has been withdrawn.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims (15-22) stand or fall together.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

U.S. Pat. 5,495,607	Pisello et al	2-1996
U.S. Pat. 5,475,819	Miller et al	12-1995

D. Terry, et al, "Continuous Queries over Append-only Databases", ACM SIGMOD, 1992, pp.321-322, section.1.0.

(10) *New Prior Art*

No new prior art has been applied in this examiner's answer.

(11) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 15-20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pisello et al (U. S. Pat. 5,495,607) in view of Miller et al (U. S. Pat. 5,475,819).

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As to claim 15, Pisello teaches a resource management system, comprising:

(a) a plurality of servers (150, 110, 120, 140) grouped into interconnected (via network-linking backbone 105, fig. 1) regional servers (domain administrating server DAS 150 for each domain) and local servers (DAS-managed file servers 110, 120, 140), wherein the regional servers serve a region (domain) and hold one or more profiles (entries in domain-wide virtual catalog 150.00, table 2) for resources (files) associated with the local servers within the region (stored at DAS-managed file servers 110, 120, 140); [col. 6, lines 38-65]

© each of the resources (files) having at least one of the profiles (entry/entries in virtual catalog 150.00) associated therewith, wherein each of the profiles (entry) includes a description (attributes / fields such as File_name) and a location (File_source) of the associated resource, and wherein each of the profiles, when created, is assigned to a category (searchable field(s), such as that represented by name, or extension of name); [col. 13-14, table 2]

(d) one or more user computers (administrator workstation 160 including GUI 165, user workstation 170) interconnected with (via network-linking backbone 105) the regional and local servers [fig. 1], and including means for storing the profiles of the resources into one or more of the regional servers (domain-wide scan for virtual catalog snapshots via administrator interface GUI 165), means for searching the profiles stored in the regional servers (search virtual catalog 150.00) [col. 15, lines 24-51; col. 16, lines 52-67] by category (searchable fields such as that represented by name, or extension of name) [col. 15, lines 35-51], and means for requesting the delivery of resources associated with the local servers (transfer/migrate files performed via GUI

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165) based on the searched profiles (after consulting virtual catalog 150.00 via GUI 165) [table 3 and denoting text; col. 22, lines 61-67; col. 24, lines 62-67].

While Pisello teaches that the resources managed by the regional and local servers includes soft resources (files) downloadable from the local servers (via workstations 160, 170), Pisello does not teach that the resources also includes physical resources not downloadable from the local servers.

Miller teaches managing resources (service facilities) under a hierarchy of regional (server-2 with name service 20 thereon) and local servers (server-1, server-3 with services A, B, D thereon), wherein the resources under management include both soft resources (software facilities such as databases) and physical resources (hardware facilities such as printers and disks) [col. 3, lines 24-39; col. 5, line 52 - col. 6, line 65]. Each resource/service has profile information, including description (specification), location (location) and category (service-A), stored in a regional server (name service 20) [col. 5, line 16 - col. 6, line 37]. It is noted that the physical resources such as printers and disks are not downloadable from the local servers. Given the teaching of Miller, it would have been obvious to also include physical resources into the resources under management in Pisello.

The motivations to combine Pisello with Miller includes the following. Pisello manages resources and profiles within domains and across domains (col. 28, lines 58-64), which, to one of ordinary skill in the art, would require a mechanism to integrate domain-wide profile information from different domains in order to make such information available to the DASes. Pisello does

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not provide such a mechanism. Miller, on the other hand, provides a mechanism (chaining) to integrate domain/regional profile information (configuration profiles) from different domains/regions to make it available to all the domains/regions [col. 2, lines 6-25; fig.s 5 and 6 and denoting text]. Therefore, one of ordinary skill in the art, at the time the invention was made, would have been motivated to use the mechanism of Miller in Pisello to manage the profiles of resources within and across domains.

As to claims 16 and 17, Pisello teaches the user computer further comprises means for storing (work station GUI) the soft resources into one or more of the local servers (to schedule file transfer/migration) [col. 27, lines 47-63; col. 28, lines 23-53]. It is noted that a file transfer/migration typically involves copying/removing a file from a source and storing it at the destination. It is further noted that a typical file transfer/migration also involves uploading a file from a source and downloading it to the destination / local server.

As to claims 18 and 19, Pisello teaches a regional server comprises means for storing a profile that contains user information (FileUser information in virtual catalog 150.00) and means for restricting the user's access to the resources based on the information contained in the profile (netware attributes such as ReadOnly). See col. 15, lines 24-51. It is noted that netware attributes such as ReadOnly restricts the use of the underlying resource to read-only.

As to claim 20, Pisello teaches means for performing a Boolean key-word search (search by fields) of the profiles stored in the regional servers. See col. 13, lines 5-10; col. 15, lines 24-51; col. 16, lines 52-58.

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As to claim 22, Pisello as modified teaches a plurality of collections of the profiles are each stored in different ones of the regional servers (Pisello, domain-wide virtual catalog at each of the multiple DASes) [col. 28, lines 58-64], and each of the collections contains substantially all of the profiles (Miller, replicated name service databases) [col. 6, lines 19-36]. Note discussion of claim 15 for a motivation to combine.

2. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pisello et al in view of Miller et al as applied to claim 15 and in view of Terry et al.

As to claim 21, Terry teaches a resource profile / database management system (Tapestry system), including means for ordering a search of any of the profiles to be performed at a future time (continuous queries, scan the incoming record), see abstract; section 1.0; fig.s 1 and 3. Given the teaching of Terry, it would have been obvious to include a means for ordering a search of any of the profiles to be performed at a future time into the system of Pisello as modified by Miller. In so doing, monitoring of file transfers/migrations in Pisello as modified would have been enhanced.

(12) *New Ground of Rejection*

This examiner's answer does not contain any new ground of rejection.

(13) *Response to argument*

A. Regarding Double-Patenting Rejection

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The terminal disclaimer filed 10/14/2002 has been entered and the rejection of claim 15 under the judicially created doctrine of obviousness - type double patenting over claim 1 of U.S. Patent No. 5,699,526 in view of Pisello et al and Miller et al has been withdrawn.

B. Regarding 35 U.S.C. 103(a) Rejections

1. Regarding the Rejection of Claim 15

On page 6, lines 3-15 and 17-23, appellant argued that the prior art does not teach that the resources are classified as physical resources and soft resources, wherein the physical resources are not downloadable from the local servers and the soft resources are downloadable from the local servers, because that (1) the virtual catalog of Pisello only stores information on non-physical resources, (2) Miller does not describe storing profiles for both soft and physical resources, wherein user computers search profiles of the physical and software resources stored in the regional servers by category and request delivery of both the physical and software resources, and (3) Terry does not teach this feature.

The examiner's response is as follows. Firstly, in the office action, the examiner mapped each claimed limitation to specific element(s) and relevant passages in the Pisello and the Miller references, identified the difference and explained how such difference was met by the combination of Pisello and Miller. Appellant in response did not provide any underlying analysis as to why the portions of the prior art relied on did not support the examiner's position.

Secondly, as detailed in the rejection of claim 15, it is the combination of Pisello and Miller, rather than Pisello nor Miller alone, that meets the claimed feature that the resources are

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classified as physical resources and soft resources, wherein the physical resources are not downloadable from the local servers and the soft resources are downloadable from the local servers. In particular, Pisello teaches that the resources managed by the regional and local servers includes soft resources (files) downloadable from the local servers (via workstations 160, 170), and Miller teaches resources under management include both soft resources (software facilities such as databases) and physical resources (hardware facilities such as printers and disks). [It is noted that the physical resources such as printers and disks are not downloadable from the local servers, while the soft resources/files are downloadable]. Therefore, the combination of Pisello and Miller provides the resources classified as physical resources and soft resources, wherein the physical resources are not downloadable from the local servers and the soft resources are downloadable from the local servers.

Thirdly, regarding the argued profiles and category, as detailed in the rejection of claim 15, Pisello teaches each of the resources (files) having at least one of the profiles (entry/entries in virtual catalog 150.00) associated therewith, wherein each of the profiles (entry) includes a description (attributes / fields such as File_name) and a location (File_source) of the associated resource, and wherein each of the profiles, when created, is assigned to a category (searchable field(s), such as that represented by name, or extension of name); [col. 13-14, table 2] . Miller teaches managing resources (service facilities) under a hierarchy of regional (server-2 with name service 20 thereon) and local servers (server-1, server-3 with services A, B, D thereon), wherein the resources under management include both soft resources (software facilities such as

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databases) and physical resources (hardware facilities such as printers and disks) [col. 3, lines 24-39; col. 5, line 52 - col. 6, line 65]. Each resource/service has profile information, including description (specification), location (location) and category (service-A), stored in a server (name service 20) [col. 5, line 16 - col. 6, line 37]. Therefore, the combination of Pisello and Miller would provide resources including both soft resources and physical resources, and profiles including profiles of soft resources and profiles of physical resources.

Fourthly, searching profiles by category is met by Pisello (search virtual catalog 150.00 by searchable fields such as name, or extension of name) [see rejection of claim 15, element (d)]. Further, the combination of Pisello and Miller would provide the profiles to include profiles associated with soft resources and profiles associated with physical resources. Therefore, the searching would be performed on profiles which include profiles associated with soft resources and profiles associated with physical resources. Requesting delivery of resources is met by the combined teachings of Pisello and Miller in a similar manner.

Lastly, Terry is not relied on to teach this feature.

Appellant argued, page 6, lines 12-13, that Miller does not describe the delivery of its physical resources, such as printers and disks.

The examiner's position is that the argued *delivering* physical resources is not required by the claim language. Instead, claim 15 only requires "means for *requesting* delivery of the resources associated with local servers" (claim 15, lines 13-14). Clearly, claim 15 requires making a request / order for a delivery of resources, rather than the action of delivering resources.

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This feature as claimed is met by the administrative interface GUI 165 of Pisello which is used to request delivery of resources under management (transfer/migrate files). [col. 18, lines 48-58; col. 22, line 61 - col. 23, line 3]. Further, when the teaching of Miller (resources including both soft and physical resources) is combined with Pisello, the means for *requesting* delivery of resources would include means for *requesting* delivery of both soft and physical resources, thus meeting the means for *requesting* delivery of the resources associated with local servers as claimed.

Appellant further argued that the combination of Pisello and Miller is based on hindsight (page 6, lines 15-16).

The examiner respectfully disagrees. In the office action, the examiner provided the following reason to combine the teachings of Pisello and Miller (see rejection of claim 15): “*The motivations to combine Pisello with Miller includes the following. Pisello manages resources and profiles within domains and across domains (col. 28, lines 58-64), which, to one of ordinary skill in the art, would require a mechanism to integrate domain-wide profile information from different domains in order to make such information available to the DASes. Pisello does not provide such a mechanism. Miller, on the other hand, provides a mechanism (chaining) to integrate domain/regional profile information (configuration profiles) from different domains/regions to make it available to all the domains/regions [col. 2, lines 6-25; fig.s 5 and 6 and denoting text]. Therefore, one of ordinary skill in the art, at the time the invention was made, would have been motivated to use the mechanism of Miller in Pisello to manage the*

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profiles of resources within and across domains.”. Clearly, this motivation to combine comes from teachings of Pisello and Miller, rather than based on hindsight as alleged by appellant.

Appellant argued, on page 6, lines 24-27, that the references do not teach that each resource has at least one profile associated therewith including a description of the resource and a location of the associated resource, and when created, each profile is assigned a category.

The examiner respectfully disagrees with appellant. As detailed in the rejection of claim 15, *“Pisello teaches ... each of the resources (files) having at least one of the profiles (entry/entries in virtual catalog 150.00) associated therewith, wherein each of the profiles (entry) includes a description (attributes / fields such as File_name) and a location (File_source) of the associated resource, and wherein each of the profiles, when created, is assigned to a category (searchable field(s), such as that represented by name, or extension of name); [col. 13-14, table 2] ”*; *“Miller teaches managing resources (service facilities) under a hierarchy of regional (server-2 with name service 20 thereon) and local servers (server-1, server-3 with services A, B, D thereon), wherein the resources under management include both soft resources (software facilities such as databases) and physical resources (hardware facilities such as printers and disks) [col. 3, lines 24-39; col. 5, line 52 - col. 6, line 65]. Each resource/service has profile information, including description (specification), location (location) and category (service-A), stored in a server (name service 20) [col. 5, line 16 - col. 6, line 37]. ”* Clearly the examiner provided detailed analysis and mapping of each claimed limitation to the respective specific elements and relevant passages in Pisello and in Miller. Appellant again did not provide any

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specific analysis as to why the portions of Pisello and Miller relied on do not support the examiner's position.

In the paragraph bridging pages 6 and 7, appellant alleged that the references do not teach regional servers and local servers and their respective functions of storing profiles and associating resources.

The examiner respectfully disagrees. The regional servers and local servers as well as their respective functions as claimed are met by the combination of Pisello and Mill, as discussed in detail in the rejection of claim 15: *"Pisello teaches ... (a) a plurality of servers (150, 110, 120, 140) grouped into interconnected (via network-linking backbone 105, fig. 1) regional servers (domain administrating server DAS 150 for each domain) and local servers (DAS-managed file servers 110, 120, 140), wherein the regional servers serve a region (domain) and hold one or more profiles (entries in domain-wide virtual catalog 150.00, table 2) for resources (files) associated with the local servers within the region (stored at DAS-managed file servers 110, 120, 140); [col. 6, lines 38-65]"*; *"Miller teaches ... regional (server-2 with name service 20 thereon) and local servers (server-1, server-3 with services A, B, D thereon), Each resource/service has profile information, including description (specification), location (location) and category (service-A), stored in a regional server (name service 20) [col. 5, line 16 - col. 6, line 37]."* In the office action, the examiner clearly mapped the claimed regional servers and local servers and their respective functions to the respective specific elements in Pisello and in Miller. Appellant in response did not provide any specific/underlying analysis as to why the elements and passages of

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Pisello and Miller relied on do not support the examiner's position, which is disagreement without reason.

On page 7, lines 3-7, appellant argued the advantages of the present invention as more interchangeable and useful, and solves problems not recognized by the prior art.

The examiner's response is that by providing the structural and operational elements as claimed, the combination of Pisello and Miller provides the argued advantages. For example, Pisello provides better interchangeability by substituting requested resources at one network site with another (col. 3, line 62 - col. 4, line 34). Regarding the argued 'solves problems not recognized by the prior art', it is not clear what these problems and solutions are, nor where they are disclosed in the application as filed, nor how these problems / solutions are recited in the claims.

2. Regarding claims 16-22

Appellant did not provide arguments in substance regarding claims 16-22 except for citing the dependencies.

(14) Conclusion

Appellant's recited resources including both soft and physical resources are met by the combined teaching of Pisello (who teaches resources include soft resources) and Miller (who teaches resources include both soft resources and physical resources). The corresponding resource manipulations, such as profiles, category, means for storing, means for searching and

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means for requesting a delivery, are taught by the combination of Pisello and Miller to manage resources including both soft resources and physical resources.

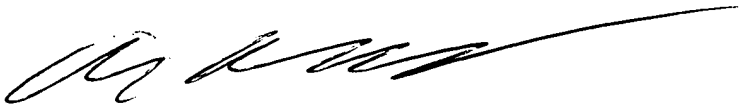
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

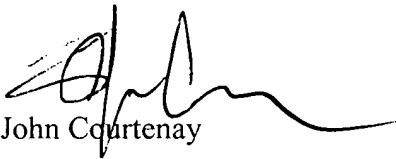
Sue Lao

March 18, 2003

Conferees:

A handwritten signature in black ink, appearing to read 'Alvin Oberley', with a long horizontal flourish extending to the right.

Alvin Oberley

A handwritten signature in black ink, appearing to read 'St. John Courtenay', with a long horizontal flourish extending to the right.

St. John Courtenay

A handwritten signature in black ink, appearing to read 'Sue Lao', with a long horizontal flourish extending to the right.

Sue Lao